

Remarks:

Claims 2-9, 17-20, 22-25, 27-30 and 36-40 are pending in the application. Claims 2-9, 17-20, 22-25, 27-30 and 36-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,056,391 to Kasamoto et al. (hereinafter Kasamoto) in view of U.S. Patent No. 6,260,952 to Feinn et al. (hereinafter Feinn).

Formal Matters

Claims 24 and 25 are amended to correct dependency.

Rejections Under 35 U.S.C. § 103(a)

Claims 2-9, 17-20, 22-25, 27-30 and 36-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasamoto in view of Feinn. Applicants respectfully traverse this rejection.

Attached to this response is a Declaration under 37 C.F.R. §1.131, which demonstrates conception of the claimed subject matter and diligent work toward reducing the subject matter to practice from a time prior to the patenting of the Feinn patent. The declaration establishes a conception date on or before September 1, 2000 for all claims in the application. Feinn was filed on April 22, 1999 and patented on July 17, 2001. Therefore, Feinn is only available as a reference under 35 U.S.C. §102(e).

Both Feinn and the claimed invention were, at the time the inventions were made, subject to an obligation of assignment to Hewlett-Packard Company. In view of this common ownership of Feinn and the present application, Applicants submit that Feinn is not available as a reference under 35 U.S.C. 103(a). See 35 U.S.C. 103(c).

Page 10 - AMENDMENT
Serial No. 10/003,938
HP Docket No. 10007153-1
KH Docket No. HPCS 334

As conceded in the Office action dated June 28, 2005, "Kasamoto et al. does not disclose a controller/FET bus that is connected to the at least one resistor at a controller/FET via, wherein, at the controller/FET via, the second metal layer comprises a separation barrier located adjacent the first metal layer" (see June 28, 2005 Office action, page 3). Since Feinn is not available as a reference under 35 U.S.C. 103, Feinn cannot remedy this deficiency of Kasamoto. Applicant notes that independent claims 2, 17, 40, each recite at least one control (or controller) via and a controller bus (or metal layer control portion). Similarly, independent claim 36 recites "a second electrical connection between the second metal layer and the FET bus." Independent claims 22 and 27 are amended to claim at least one controller via and a controller bus. Therefore, Applicants submit that independent claims 2, 17, 22, 27, 36 and 40 clearly distinguish over Kasamoto.

Accordingly, Applicants submit that the rejections of independent claims 2, 17, 22, 27, 36 and 40, which are set forth under 35 U.S.C. § 103(a) in view of Feinn, should be withdrawn. Applicants also submit that the foregoing reasoning applies with equal force to claims 3-9, 18-20, 23-25, 28-30 and 37-49 because they depend from claims 2, 17, 22, 27, 36. Accordingly, Applicants submit that claims 2-9, 17-20, 22-25, 27-30 and 36-40 are in condition for allowance.

Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Walter W. Kamstein
Registration No. 35,565
Customer No. 23581
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Attorney for Applicants

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner L. Nguyen, Group Art Unit 2853, Assistant Commissioner for Patents, at facsimile number (703) 872-9306 on August 25, 2005.



Heidi Dutro